IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

SECOND APPEAL NO. 532 OF 2007

Bhaurao Ganpat Pardhi vs. Vasant Ganpat Pardhi & Ors.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
NOVEMBER 19, 2007.

Heard Shri Deshpande, learned counsel for the appellant.

This is defendant's Second Appeal. Suit for partition and separate possession filed by present respondents was partly decreed and the said decree was challenged in Regular Civil Appeal No.77 of 2004 by present respondent.

Shri Deshpande, learned counsel has argued that the issue of relinquishment deed was not framed either by the trial Court or by the appellate Court and a finding about it has been delivered. He has invited attention to consideration of that document in para 9 of the judgment of appellate Court.

It is apparent that the parties have led evidence in relation to said relinquishment

deed before the trial Court and issue was argued before the Appellate Court. The appellate Court found that the evidence in relation to said document is not consistent and said finding cannot be labelled as perverse.

No substantial question of law therefore arises in the present Second Appeal. None framing of issues has not prejudiced the appellant at all. Second Appeal is dismissed. No order as to costs.

JUDGE

***GS.**